

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

QUICKLOGIC CORPORATION,

Plaintiff,

v.

KONDA TECHNOLOGIES, INC., et al.,

Defendants.

Case No. 21-cv-04657-EJD

**ORDER RE FEBRUARY 22, 2024
JOINT STATEMENT**

Re: ECF Nos. 86, 110, 112, 140

On January 25, 2024, the Court heard oral argument on Plaintiff QuickLogic Corporation's ("QuickLogic") motion for default judgment as to Defendant Konda Technologies, Inc. ("Konda Tech.") (ECF No. 127). The Court denied the motion and ordered the parties to meet and confer and submit a joint statement addressing the case issues discussed at the hearing. ECF No. 135.

On February 22, 2024, the parties filed the joint statement. ECF No. 140 ("Joint Statement"). The Court addresses below the issues identified in the joint statement as well as other pending issues.

I. BRIEFING ON QUICKLOGIC'S MOTION FOR ATTORNEYS' FEES

QuickLogic proposes a briefing schedule that permits it to "refile its motion for attorneys' fees, which will include its prior arguments, will account for additional misconduct not recited in QuickLogic's original motion that occurred leading up to and subsequent to the filing of the original fee motion, and will provide additional detail about the fees requested to allow the named attorneys to determine how the requested fees are temporally tied to their participation in the case." Joint Statement 1. Derek Dahlgren and Deepali Brahmbhatt object to QuickLogic's proposal because they have already filed their oppositions and allowing QuickLogic to refile would be prejudicial to them. *Id.* at 3. Mr. Dahlgren and Ms. Brahmbhatt propose that Venkat Konda ("Dr. Konda"), Konda Tech., William C. Milks, III, and Brian Tollefson respond to the

original motion for attorneys' fees, and QuickLogic submits a reply. Dr. Konda, Konda Tech., Mr. Milks, and Mr. Tollefson similarly object to QuickLogic's proposal and join in Mr. Dahlgren and Ms. Brahmhatt's proposed briefing schedule. *Id.* at 6–9.

Taking into account QuickLogic's as-filed motion for attorneys' fees (ECF No. 91), Mr. Dahlgren and Ms. Brahmhatt's as-filed oppositions to the motion (ECF Nos. 119, 120), and discussion at the January 25 hearing, the Court finds the below schedule appropriate under these circumstances and ORDERS¹ the following:

QuickLogic is permitted to file a 15-page supplemental brief in support of its motion for attorneys' fees, limited to conduct that occurred after August 2023. QuickLogic's deadline to file the supplemental brief is March 7, 2024.

Mr. Dahlgren and Ms. Brahmhatt are permitted to file a single, eight-page supplemental opposition responding only to the arguments raised in QuickLogic's supplemental brief. Mr. Dahlgren and Ms. Brahmhatt's deadline to file the supplemental opposition is March 21, 2024.

Having had no prior opportunity to file an opposition to the original motion for attorneys' fees, Dr. Konda, Konda Tech., Mr. Milks, and Mr. Tollefson are permitted to each file a 25-page opposition responding to QuickLogic's original motion for attorneys' fees and its supplemental motion for attorneys' fees. The deadline to file the opposition briefs is March 21, 2024.

QuickLogic is permitted to file a five-page reply brief responding to Mr. Dahlgren and Ms. Brahmhatt's supplemental opposition. QuickLogic is also permitted to file separate, 15-page reply briefs responding to each of Mr. Konda, Konda Tech., Mr. Milks, and Mr. Tollefson's opposition briefs. The Court recognizes that replying to the above oppositions within seven days is not realistic and would be burdensome. Accordingly, QuickLogic's deadline to file its reply briefs is April 18, 2024.

The hearing on QuickLogic's motion for attorneys' fees is reset for May 9, 2024 at 9:00 am.

¹ This Order DENIES AS MOOT the Devlin Law Firm's motion to bifurcate QuickLogic's motion for attorneys' fees. ECF No. 112.

II. THE AUGUST 11, 2023 ORDER**A. Final Judgment**

The parties dispute whether the Court's August 11, 2023 Order constituted a final, appealable order. The Court in that Order found that QuickLogic was the prevailing party and is entitled to costs. ECF No. 83 at 9. The Court's forthcoming ruling regarding its order to show cause will not disturb that finding. *See id.* Rather, any decision on the jurisdictional issue may only impact whether the Court's dismissal of Defendants' state law counterclaims will be vacated for lack of subject matter jurisdiction and instead dismissed without prejudice. It will not impact the Court's finding that QuickLogic is the prevailing party and is entitled to costs.

Judgment is typically issued on a separate piece of paper and entered separately in the docket. Fed. R. Civ. P. 58(a). Nevertheless, if a separate judgment is not entered, judgment is deemed entered 150 days after the order granting summary judgment was entered on the Court's docket—here, on August 11, 2023. *Id.* at (c)(2)(B). Accordingly, the August 11, 2023 Order was a final judgment deemed entered 150 days following entry of Order on the docket under Rule 58(c)(2)(B).

B. Motion for Reconsideration

Dr. Konda requests leave to file a motion for reconsideration or, in the alternative, a motion "under FRCP Rule 60(b)(3)" as to the Court's August 11, 2023 Order. Joint Statement 7. The Court DENIES Dr. Konda's request for leave to file a motion for consideration as untimely. *See* Civ. L.R. 7-9(a) (party may seek leave to file a motion for reconsideration "[b]efore the entry of judgment adjudicating all of the claims and the rights and liabilities of all the parties in a case"). As to Dr. Konda's request for leave to file a motion under Rule 60, that Rule sets forth the timing to bring such a motion—no request for leave from the Court is required at this time. *See* Fed. R. Civ. P. 60(c).

III. DR. KONDA APPEARING PRO SE

The Court understands that Dr. Konda intends to continue to represent himself *pro se* in this matter, and the other parties take no position on the issue. The Court encourages Dr. Konda to secure counsel for this case and directs Dr. Konda to this District's *pro se* department for

guidance. Defendants' motion to stay deadlines to obtain new counsel is DENIED AS MOOT.
ECF No. 86.

IV. STATUS OF STAY

On September 12, 2023, the Court stayed all filing deadlines pending the October 5, 2023 Status Conference. ECF No. 105. The stay is hereby LIFTED. Any response to QuickLogic's pending administrative motion for enforcement of Civil Local Rule 3-15 (ECF No. 109) must be limited to five pages and filed by March 11, 2024.

Defendants' request for an extension to respond to QuickLogic's administrative motion (ECF No. 110) is DENIED AS MOOT.

IT IS SO ORDERED.

Dated: February 26, 2024



Edward J. Davila
United States District Judge